



## Police Civilian Advisory Board Study Committee - **DRAFT MINUTES**

Date: June 22, 2021

Time: 7:00 PM

Location: Conducted by Remote Participation

### **Attendance**

Karen Bishop	
Anne Brown	
Michael Brownstein	p
Elliot Elkin	p
Kerrie Fallon	
Julie Flaherty*	p
Laura Gitelson	p
Jillian Harvey*	p

Doug Heim*	p
Carlos Morales	p
Mona Mohtadi	p
Sanjay Newton	p
Bob Radochia	p
Kathy Rogers	p
Clarissa Rowe	p
Susan Ryan-Vollmar	

\* - non-voting member | p - present

### **Agenda**

The meeting was called to order at 7:17pm after some Zoom login issues

1. Approve minutes from prior meetings

Vote: approve 06/03/2021 minutes

Approved unanimously (Clarissa Rowe abstained)

2. Updates from committees/constituencies

Carlos brought questions from the last DTG meeting. He will submit them in writing but he covered them generally.

Education, Safe Space, Punishments from POST, and Body Camera Update, How to make sure voices are heard and are comfortable being heard. How do we institutionalize current good things about APD?

Clarissa commended the APD on an update on a recent police interaction in the Mugar woods.

Eliot and Mona have corresponded with Dr. Janger to lay the groundwork for getting input from the High School.

### 3. Discuss outreach plans

Jill mentioned that outreach requires boots on the ground to go into the community. Will require going out and interacting with folks and could require resources for flyers and translations and possibly translators at the meetings.

Doug shared that Somerville recently did something similar and we could reach out to them.

If we keep it under a quorum we can have smaller groups go out and collect feedback to bring to the larger group.

Summer is a tough time for outreach. Discussion of timeline and how to line it up. Carlos mentions that we can make a lot of headway on research and then test what we've come up with against community meetings in the fall.

Doug brings up whether we want feedback on the wide open set of ideas or based on something closer to a formal report. Also mentions that Envision Arlington had questions about policing that we may be interested to see. Michael will follow with Envision to see

Zoom vs. In-Person - Will need a mix. People are in different places in terms of being ready.

Who do we need to reach out to? Who is on that list? Religious and cultural groups. Reach out to schools and existing commissions. Flyering. Coffee chats, various times.

We will continue on dual tracks - policy development and community outreach.

Clarissa is willing to lead an initial meeting over the summer. Sanjay will help with some connections to the faith community.

### 4. Discuss summer schedule - public comment and committee meetings

We will aim for 3-4 meetings over the summer. We will schedule them over email.

5. Auditor Model of Civilian Oversight

Doug gave a presentation on the Auditor Model of Civilian Oversight. See file included with minutes.

Carlos - how do the auditors get their authority to get data?

Doug - we can give that authority through bylaw.

Kathy - having the bylaw and getting the info are different. HRC has authority to get some information, but practice has been different.

Clarissa - we also have to pay attention to what our current collective bargaining agreements say.

6. Adjourn

Vote: adjourn at 8:58pm

Approved unanimously

# Civilian Review Models: Audit/Performance Evaluation Model

Police Civilian Advisory Board Study  
Committee, June 2021

# Oversight Considerations

*“Oversight systems can take a wide variety of forms and operate under a wide range of authorities...”*

*It is helpful to think in terms of the goals of the community and what is being asked of the local oversight system. Specifically, what level of funding and how much authority should be given to the oversight agency in order to shoulder its identified tasks and succeed. The oversight agency’s mission should bear some relationship to the size of the police department, the department’s funding levels, and the level of trust or mistrust within the community—particularly among those segments of the community that historically have been the subjects of over-policing or bias-based policing.”*

-National Association for Civilian Oversight of Law Enforcement

## A Word on Data & Sources

- National Association for Civilian Oversight of Law Enforcement (2005 Police Assessment Resource Center)
- “Citizen Review of Police, Approaches & Implementation (DOJ NIJ 2001)
- Somerville Draft “Civilian Oversight of Police in Somerville Preliminary Analysis Report”
- Human Rights Watch

# Four-ish Models of Civilian Review

**1. Investigative /Quality Assurance Model:** Civilian volunteers or staff receive and investigate complaints of police misconduct, reach conclusions on categories of allegations, and recommend discipline as appropriate to Chief Law Enforcement Officers and/or Municipal Executives.

- Specific focus on individual complaints.
- Parallel to internal police investigations.
- San Francisco OCC, NYCCRB, Cincinnati Office of Municipal Investigation, *1/2 of Boston Office of Police Accountability and Transparency*

**2. Appeal Model:** Complainants (or Police personnel) appeal internal police department findings or recommendations to civilians, who review them and then recommend their own findings to the Chief Law Enforcement Officers and Municipal Executives.

- Specific focus on individual complaints.
- After internal police investigations and disciplinary decisions.
- Brookline Internal Affairs + Select Board Appeal, Omaha Citizens Complaint Review Board

# Four-ish Models of Civilian Review

**3. Review Model:** Internal police units investigate allegations and develop findings; citizens review and recommend that to Chief Law Enforcement Officers and/or Municipal Executives approve or reject the findings.

- Specific focus on individual complaints
- After internal police investigations, but before disciplinary decisions.
- Cambridge Police Review & Advisory Board, Kansas City Office of Community Complaints, Detroit Board of Police Commissioners

**4. Auditor/Evaluative Performance Model:** An auditor/monitor investigates the processes by which the internal investigations examine complaints, reports on the thoroughness and fairness of the process to the department and the public, and makes policy recommendations.

- Broad scope.
- Parallel to or after police investigations
- Denver Office of Independent Monitor, ½ of Boston Office of Police Accountability and Transparency; The Albuquerque Independent Counsel, San Jose Independent Police Auditor



# Audit Model Does:

Auditor/Monitors Perform some or all of the following:

- Complaint Intake Quality Control;
  - Accessibility of complaints
  - Addressing complainant resource needs (i.e. translation, etc.)
  - Preventing retaliation
- Assessing the fairness and completeness of complaint investigations;
- Data Collection & Analysis
  - Examine trends in Police data
- Identifying Policy & Practice Concerns;
  - Supervision
  - Training
  - Discipline
- Alternative Dispute Resolution; and
- Public Reporting & Commenting

## Audit Model Does NOT:

- Perform investigations;
- Advocate for individual complainants;\*
- Mete out discipline; or
- Focus on individual outcomes.

# Audit/PE Model Assets: Which Gaps Filled

Independent Civilian Source to Assess Performance:

- Quality of Disciplinary Decisions
  - Monitoring efficacy of internal affairs/professional standards. Are their findings and recommendations
- Complaint & Investigative Process
  - Identify and address problems in the complaint filing process or options, as well as investigative steps and procedures
- Any Gaps in Training that Contributed to Complaints *and/or* Policy Violations
  - Long-term reform oriented. Identify where individual circumstances or data trends reveal training or policy needs and failures.
- Fairness and Consistency of Disciplinary Investigations and Outcomes
- Public Reporting
  - Access to data and information to provide public reporting to further transparency, enhance community-police dialogues and inspire confidence.

## Audit/PE Model Liabilities: Gaps Unfilled

### Audit/PE Model Limitations:

- Advisory in Nature
- Not case specific
- Long-term focus
- Requires Expertise

# Audit/PE Model Case Study

## Tucson, AZ

### **Independent Police Auditor & Civilian Investigator**

**What is the IPA?** [Que es el IPA? \(Spanish\)](#)

The Office of the Independent Police Auditor (IPA) was established as an external source to audit citizen complaint investigations conducted by the Tucson Police Department Office of Internal Affairs (OIA). The audit purpose is to determine if an OIA investigation was complete, thorough, objective and fair. The Office of the IPA is a resource for the citizens of Tucson regarding police actions and standards.

#### **When Should I File a Complaint?**

A complaint should be filed when you believe a member of the Tucson Police Department has acted improperly in the course of his/her work. Whether the issue is related to discourteous treatment, unnecessary force, or any other police action you believe to be wrong, you may file a complaint.



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# Audit/PE Model Case Study

## Tucson, AZ

### **How Do I File a Complaint?**

A complaint can be filed by calling the IPA, sending a facsimile, mailing a letter, or via this web page. You will be notified by mail that the IPA received your complaint and that it was forwarded to the Office of Internal Affairs for review. The IPA will notify you of the outcome of the investigation.

- [File a complaint electronically.](#)
- [Complaint form to print and mail](#) 
- [Presione aqui para una forma de queja \(Spanish\)](#) 

Complaints can also be filed directly with the Tucson Police Department, Office of Internal Affairs, 270 S. Stone Avenue or by phone at (520) 791-4426.

# Audit/PE Model Case Study

## Tuscon, AZ

### **Important Information When You File**

When you file your complaint, please include as much information as possible in your description of the event; such as: the date, time, and exact location of the incident; the name of the officer(s), badge number, description, and vehicle or license number (if available); name, telephone number and/or address of any potential witness(s); and any other evidence you feel may be important such as copies of citation(s), photograph(s), etc. The IPA does not accept anonymous complaints.

### **What Happens to My Complaint?**

When the OIA has completed its investigation, the IPA and the complainant will be notified as to the outcome. If the complainant is not satisfied with the outcome of the investigation, he/she may request

# Audit/PE Model Case Study

## Tuscon, AZ

a review by the IPA. Once the IPA has completed the review, the complainant will be notified of the final outcome.

### **Does My Complaint Make a Difference?**

Citizen complaints assist the Police Department to identify problems with officers and Department policies.

### **Community Presentations**

If you are interested in having the Independent Police Auditor make a presentation at your neighborhood meetings or community events, please call the Auditor at (520) 837-4003.

## **Related Documents**

- [Complaint Form](#)
- [Complaint Form \(Spanish\)](#)
- [IPA 2015 Annual Report](#) (pdf)



# Audit/PE Model Case Study

## Tucson, AZ



### **Office of the Independent Police Auditor**

TO FILE A COMPLAINT,  
FILL IT OUT THIS FORM, SUBMIT IT ELECTRONICALLY, OR MAIL TO:

City of Tucson  
Office of the Independent Police Auditor  
Post Office Box 27210  
Tucson, Arizona 85726-7210

This complaint will be forwarded to the Office of Professional Standards for investigation. Anonymous complaints are not accepted. If necessary, you will be contacted for clarification of your complaint.

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
First Name Initial

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State Zip

\_\_\_\_\_  
Code

\_\_\_\_\_  
Home Telephone

\_\_\_\_\_  
Work Telephone

\_\_\_\_\_  
Hour and Date of Incident

What Occurred?

# Audit/PE Model Case Study

## Tucson, AZ

- Office of Independent Police Auditor Paired with “Community Police Advisory Review Board” which:

“[P]erforms public review of completed Internal Affairs investigations of citizen complaints alleging Tucson Police Department (TPD) officer misconduct in order to comment on the fairness and thoroughness of the investigation. The Board does not conduct independent investigations nor does it review, comment on, or recommend disciplinary action.”

## Audit/PE/Appeal Hybrid Case Study: Boston Police Community Ombudsman Panel

- Maintained in new name and form in new Boston Office of Police Accountability and Transparency
- Independent from BPD
- 3 Civilians with Qualifications for Review Role Appointed by the Mayor
- Hybrid Audit & Appeal Functions
  - Accepts appeals of those internal investigations resulting in findings of "Unfounded," "Exonerated," or "Not Sustained."
  - Audits 10 % sample of Internal Affairs cases.